

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
EXECUTIVE COMMITTEE
MINUTES OF PUBLIC HEARING**

DATE..... March 3, 2004
TIME..... 4:30 P.M.
PLACE CO. OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

Robert Bowman
Mark Hermodson
David Williams
KD Benson
Gary Schroeder
Dr. Carl Griffin

MEMBERS ABSENT

Steve Schreckengast

STAFF PRESENT

Margy Deverall
Kathy Lind
Krista Trout
Doug Poad
Michelle D'Andrea
Jay Seeger, Attorney

Mark Hermodson called the meeting to order.

I. APPROVAL OF MINUTES

Carl Griffin moved to approve the minutes of the February 4, 2004, Executive Committee public hearing as submitted. KD Benson seconded and the motion carried by voice vote.

II. NEW BUSINESS

A. RESOLUTION T-04-02: CityBus amendment to the FY 2001 Unified planning Work Program

Gary Schroeder moved to hear and approve the above-described request. Carl Griffin seconded the motion

Doug Poad presented the staff report with recommendation of approval.

KD Benson asked if the results of the study would be shared with the APC staff.

Doug Poad replied affirmatively. He stated that the exact projects have not been decided on yet.

KD Benson asked if all the studies would be in West Lafayette.

Doug Poad replied affirmatively.

Gary Schroeder asked if this study would be done in house or contracted to an outside firm.

Doug Poad stated that a consultant would be hired to oversee the study and write the final report.

The Committee voted by ballot 6 yes to 0 no to grant approval of **RESOLUTION T-04-02.**

III. PUBLIC HEARING

Gary Schroeder moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. Carl Griffin seconded and the motion carried by voice vote.

Gary Schroeder moved to continue **S-3459 TABOR MINOR SUBDIVISION (MINOR-SKETCH)** and **S-3461 BARR MINOR SUBDIVISION (MINOR-SKETCH)** to the March 17, 2004 Area Plan Commission meeting. Carl Griffin seconded and the motion carried by voice vote.

A. Subdivisions

1. **S-3442—CRM MINOR SUBDIVISION (MINOR-SKETCH):** Petitioner is seeking primary approval to replat two lots into one lot, located at the northeast corner of Walnut Street and Dayton Road, in the Town of Dayton, Sheffield 04 (SW) 22-3. CONTINUED FROM THE FEBRUARY AREA PLAN COMMISSION MEETING.

Gary Schroeder moved to hear and vote on the above-described request. Carl Griffin seconded the motion

Kathy Lind presented slides of the zoning map, aerial photo, and sketch plan. She recapped the variance to right-of-way dedication on Dayton Road from 35' to 26' and read the staff report with recommendation of conditional primary approval contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. A "No Vehicular Access" statement shall be platted along the SR 38 E right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted including the required 15' rear setback.
5. The street address and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Bob Grove, 1930 Kossuth Street, Lafayette, IN, concurred with the staff report and asked for approval.

Robert Bowman pointed out that the staff report says the office would be in the main building on Walnut Street, and he thought the office was going to be in the third building.

Bob Grove stated that the office is currently located on the northeast corner of the intersection and he is unaware of plans to move the office.

Robert Bowman reiterated that the staff report say the office was going to be in the main building on Walnut Street, and he thought the office was going to be in the new building.

Bob Grove replied negatively. He explained that the office is in the existing building and the tool sharpening business would be the furthest building to the north.

The Committee voted by ballot 6 yes to 0 no to approve the variance.

The Committee voted by ballot 6 yes to 0 no to grant conditional primary approval **S-3442—CRM MINOR SUBDIVISION (MINOR-SKETCH).**

2. **S-3460—SAFE HAVEN SUBDIVISION (MINOR-SKETCH):** Petitioners are seeking primary approval for a 4-lot subdivision on 10.0 acres, located on the south side of CR 725 N, between SR 43 and CR 75 E, in Tippecanoe 16 (SW) 24-4.

Gary Schroeder moved to hear and vote on the above-described request. Carl Griffin seconded the motion

Kathy Lind presented slides of the zoning map, aerial photos, and sketch plan. She read the staff report with recommendation of conditional primary approval contingent on the following:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved and existing entrances, a "No Vehicular Access" statement shall be platted along the CR 725 N right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks (including the required 25' setback from Flood Plain zoning) shall be platted.

5. The Regulatory Flood Elevation and Boundary for the Burnett's Creek Flood Plain shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
 6. The street addresses and County Auditor's Key Number shall be shown.
- SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:
7. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Ron Wharry, 52 W Clinton Street, Frankfort, IN, concurred with the staff report and stated he was working on the flood plain certification.

The Committee voted by ballot 6 yes to 0 no to grant conditional primary approval **S-3460—SAFE HAVEN SUBDIVISION (MINOR-SKETCH).**

3. **RE-0025—MOLTER RURAL ESTATE (MAJOR PRELIMINARY):** Petitioners are seeking primary approval for a 9-lot rural estate development on 21.829 acres located on the west side of CR 450E, 1/2 mile south of CR 700 S, Wea 36 (SW) 22-4.

Gary Schroeder moved to hear and vote on the above-described request. Carl Griffin seconded the motion.

Krista Trout presented slides of the zoning map, aerial photos, and preliminary plan. She read the staff report with recommendation of conditional primary approval contingent on the following:

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
2. The County Drainage Board shall approve the drainage plans.
3. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

4. Except for the approved entrance(s), a "No Vehicular Access" statement shall be platted along the CR 450 E right-of-way line.
5. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
6. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
7. All required building setbacks shall be platted.
8. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS AND OTHER REQUIRED DOCUMENTS– The following items shall be part of the subdivision covenants:

9. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
10. All documents necessary to create the homeowners association.
11. The executed deed(s) transferring Outlot A to the homeowner's association.
12. All lots, except Lot 3, are required to have perimeter drains for sewage disposal systems and shall have an approved outlet. Approval shall be obtained from the person(s) and/or agency who controls the outlet, e.g. the Tippecanoe County Highway Department, a private property owner, etc.

Bob Gross, 420 Columbia Street, Ste 1, Lafayette, IN, stated that the reason for the hammerhead was to conserve trees.

KD Benson asked if the intent was to combine 4 flag lot drives into 1 drive.

Bob Gross replied affirmatively.

Carl Griffin asked if combining the 4 flag lots was the result of the staff's suggestion.

Bob Gross replied affirmatively. He explained that an easement was platted at the end of the hammerhead that would serve all those lots.

The Committee voted by ballot 6 yes to 0 no to permit bonding.

The Committee voted by ballot 6 yes to 0 no to grant conditional primary approval **RE-0025—MOLTER RURAL ESTATE (MAJOR PRELIMINARY).**

IV. APPROVAL OF THE MARCH 17, 2004 APC PUBLIC HEARING AGENDA PUBLIC HEARING

A. ORDINANCE AMENDMENTS

B. REZONING ACTIVITIES

Gary Schroeder moved that the following rezone petitions be placed on the March 17, 2004 Area Plan Commission Public Hearing Agenda:

UZO AMENDMENT #42

Z-2166—EAGLE'S NEST CORPORATION (R1 TO R1B)

Z-2167—MANN PROPERTIES (LAUREN LAKES PD) (R1 TO PDRS)

Z-2168 – WESTMINSTER VILLAGE WEST LAFAYETTE, INC (PDRS TO PDRS)

Z-2169 – VINSON DEVELOPMENT, LLC (WILLIAMS RIDGE PD (PDMX, R3 & AW TO PDMX)

Z-2170 – G&L DEVELOPMENT, INC. (BLACKTHORNE PD (PDRS TO PDRS)

Carl Griffin seconded and the motion carried by voice vote.

B. SUBDIVISIONS

Gary Schroeder moved that the following subdivision petitions be placed on the March 17, 2004 Area Plan Commission Public Hearing Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3462 – STORMY RIDGE (MINOR-SKETCH)

S-3463 - ABIGAIL SUBDIVISION (MINOR-SKETCH)

S-3467 – TIPPECANOE SHOPPES SUBDIVISION (MINOR-SKETCH)

S-3469 – LAFAYETTE HOTEL PARTNERSHIP (MAJOR-PRELIMINARY)

S-3470 – HARRISON HIGHLANDS SUBDIVISION, PHASE 1 SECTION 2 (MAJOR-PRELIMINARY)

S-3471 – SHAWNEE RIDGE SUBDIVISION, PHASE 4 (MAJOR-PRELIMINARY)

Carl Griffin seconded and the motion carried by voice vote.

V. REVIEW AND APPROVAL OF THE MARCH ABZA PUBLIC HEARING AGENDA

Gary Schroeder moved to place the following petitions on the March 24, 2004 Area Board of Zoning Appeals Public Agenda:

BZA-1660—RAYMOND E. BRADLEY

BZA-1661—HARRISON HIGHLAND I, LLC

Carl Griffin seconded and the motion carried by voice vote.

VI. DETERMINATION OF VARIANCES

A. LAFAYETTE DIVISION OF THE AREA BOARD OF ZONING APPEALS

Gary Schroeder moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

#2004-07—WILLIAM CORBET

#2004-08—OMNIPOINT HOLDINGS, INC D/B/A T-MOBILE, USA

#2004-09—MATTRESS SUPERSTORE

#2004-10—FARRIS A. & PATRICIA A. PETTY

#2004-11—EVERYBODY'S OIL CO./BARNES INC.

Carl Griffin seconded and the motion carried by voice vote.

Gary Schroeder moved that with regard to the following petitions, the sign ordinance be strictly adhered to:

#2004-09—MATTRESS SUPERSTORE. Carl Griffin seconded and the motion passed by voice vote.

VII. REVIEW AND APPROVAL OF THE FEBRUARY BUDGET REPORT

Carl Griffin moved to accept the February 2004 Budget Report as submitted. Gary Schroeder seconded and the motion passed by voice vote.

VIII. OTHER BUSINESS

None

IX. ADJOURNMENT

Gary Schroeder moved to adjourn the meeting. Carl Griffin seconded and the motion carried by voice vote. The meeting adjourned at 5:00 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Executive Director